

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	CASE NO. 05-237 M
	)	
v.	)	
	)	
	)	DETENTION ORDER
MAYELA MANTANEZ-LOPEZ,	)	
	)	
Defendant.	)	

Offenses charged:

Count I: Distribution of Cocaine Base, in violation of Title 21, U.S.C., Sections 841(a) and 841(b)(1)(B); and

Count II: Possession with Intent to Distribute Cocaine Base, in violation of Title 21, U.S.C., Sections 841(a) and 841(b)(1)(A).

Date of Detention Hearing: May 12, 2005.

The Court, having conducted an uncontested detention hearing pursuant to Title 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which the defendant can meet will reasonably assure the appearance of the defendant as required and the safety of any other person and the community. The Government was represented by Patricia Lally. The defendant was represented

1 by Brian Tsuchida.

2 The Government filed a Motion for Detention in this matter. The defense stipulated to  
3 detention, noting that the defendant is not a U.S. citizen and is a Mexican national. The defense has  
4 been notified that a BICE detainer will be filed, and further stated there is no argument to offer at  
5 this time.

6 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

7 (1) There is probable cause to believe the defendant committed the drug offense.

8 The maximum penalty is in excess of ten years. There is therefore a rebuttable  
9 presumption against the defendant's release based upon both dangerousness  
10 and flight risk, under Title 18 U.S.C. § 3142(e).

11 (2) Nothing in this record satisfactorily rebuts the presumption against release for  
12 several reasons:

13 (a) The defendant is not a U.S. citizen, and BICE has notified counsel that a  
14 detainer will be filed.

15 (b) The defendant stipulated to detention, submitting that no argument  
16 could be offered at this time.

17 (3) Based upon the foregoing information which is consistent with the  
18 recommendation of U.S. Pre-trial Services, it appears that there is no condition  
19 or combination of conditions that would reasonably assure future Court  
20 appearances and/or the safety of other persons or the community. The Court  
21 will reconsider detention upon discovery of new information.

22  
23 **It is therefore ORDERED:**

24 (l) The defendant shall be detained pending trial and committed to the custody of  
25 the Attorney General for confinement in a correction facility separate, to the  
26 extent practicable, from persons awaiting or serving sentences or being held in

1 custody pending appeal;

2 (2) The defendant shall be afforded reasonable opportunity for private consultation  
3 with counsel;

4 (3) On order of a court of the United States or on request of an attorney for the  
5 Government, the person in charge of the corrections facility in which the  
6 defendant is confined shall deliver the defendant to a United States Marshal for  
7 the purpose of an appearance in connection with a court proceeding; and

8 (4) The clerk shall direct copies of this order to counsel for the United States, to  
9 counsel for the defendant, to the United States Marshal, and to the United  
10 States Pretrial Services Officer.

11 DATED this 17<sup>th</sup> day of May, 2005.

12 

13 MONICA J. BENTON  
14 United States Magistrate Judge  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26